

Order

Entered: March 30, 2004

Michigan Supreme Court
Lansing, Michigan

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

ADM File No. 2003-25

Amendment of Rule 7.204
of the Michigan Court Rules

On order of the Court, the need for immediate action having been found, the notice requirements of MCR 1.201 are dispensed with and the following amendment of Rule 7.204 of the Michigan Court Rules is adopted, effective immediately. MCR 1.201(D). This amendment will be on the agenda of a future public hearing. The notices and agendas for such a hearing are posted at www.courts.michigan.gov/supremecourt well in advance of the hearing, along with instructions for reserving time to address the Court in person.

[Additions are indicated by underlining and
deletions are indicated by strikeover.]

Rule 7.204 Filing Appeal of Right; Appearance

(A) Time Requirements. The time limit for an appeal of right is jurisdictional. See MCR 7.203(A). The provisions of MCR 1.108 regarding computation of time apply.

- (1) An appeal of right in a civil action must be taken within
 - (a) 21 days after entry of the judgment or order appealed from;
 - (b) 21 days after the entry of an order denying a motion for new trial, a motion for rehearing or reconsideration, or a motion for other postjudgment relief, if the motion was filed within the initial 21-day appeal period or within further time the trial court may have allowed during that 21-day period; ~~or~~
 - (c) 14 days after entry of an order of the family division of the circuit court terminating parental rights, or entry of an order denying a motion for new trial, rehearing, reconsideration, or other postjudgment relief from an order terminating parental rights, if the motion was filed within the initial 14-day appeal period or within further time the trial court may have allowed during that period; or

(e) (d)another time provided by law.

If a party in a civil action is entitled to the appointment of an attorney and requests the appointment within 14 days after the final judgment or order, the ~~21~~ 14-day period for the taking of an appeal or the filing of a postjudgment motion begins to run from the entry of an order appointing or denying the appointment of an attorney. If a timely postjudgment motion is filed before a request for appellate counsel, the party may request counsel within 14 days after the decision on the motion.

(2) [Unchanged.]

(B) - (H) [Unchanged.]

Staff Comment: The March 30, 2004, amendment of Rule 7.204(A)(1)(c), which was given immediate effect, shortened the deadline for filing claims of appeal in retained appeals from orders terminating parental rights or denying timely filed postconviction motions. The purpose of this amendment was to conform the deadline for filing claims of appeal in appeals with retained counsel to the recently adopted 14-day deadline in appeals with appointed counsel from orders terminating parental rights.

The staff comment is not an authoritative construction by the Court.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 30, 2004 _____
Clerk